

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE	JURY	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR								NUMBER	DEM.	YR.	NUMBER
1085/4	76	0115	03	15	76	4	195	1	12			101	8509		76	0115-B

PLAINTIFFS

DEFENDANTS

TRESCO, INC., an Oklahoma
corporation

VENUS PRODUCTS, INC., a foreign
corporation

CAUSE

28 U.S.C. 1332. Suit for damages incurred by plaintiff as a result of
defendant's breach of implied warranties of merchantability and fitness
for particular purpose in purchase of machinery.

ATTORNEYS

Richard Carpenter *582-5181*
SANDERS, McELROY & CARPENTER
205 Denver Bldg. *per order of 4-1-78*
Tulsa, Okla. 74119

Robert G. Green
Doyle, Holmes, Gasaway & Green
P. O. Box 1679
Tulsa, OK 74101
918/932-4242

David Whitehill *582-78*
Rogers and Bell
P. O. Box 3209
Tulsa, Okla. 74101
918-582-5201

Thomas R. Brett
Suite 400, 201 West 5th St.
Tulsa, Okla. 74103

583-1115

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
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FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD *4-1-76* DATE MAILED
JS-5
JS-6 *8-1-79*

DATE	NR.	PROCEEDINGS
3-15-76	1.	Complaint, filed. Summons issued. lm
3-22-76		Summons ret. & filed by serving Sec. of State for Venus Products, in OKC on 3-18-76 Fees\$4.72.t
4-7	2.	Mtn. to Dismiss for Lack of Jurisdiction, filed.jj
4-7	3.	Deft's Brief in Support of Mtn. to Dismiss, filed.jj
4-7	MO:	It is Ordered by the Court that pltf. is granted 10 days to respond to Deft's Mtn. to Dismiss for Lack of Jurisdiction, (AEB-J)jj ltr mld.
4-12	4.	Pltf's appl. for 20 days after deft. has filed affidavits to respond to deft's mot. to dismiss, filed.k
4-19	MO:	The Court has for consideration the plaintiff's motion for extension of time to file responsive brief, and, being fully advised in the premises, IT IS ORDERED that plaintiff is granted an extension of time of 20 days after defendant has filed its affidavits. IT IS FURTHER ORDERED that the defendant is directed to file affidavits within ten days from this date.(AEB-J)b ltr mld
4-29	5	Deft. Application for enlargement of time within which to file Affidavits, filed. O-J t
5-7	MO	Deft. granted til 5-9-76 to file affs. in support of mot to dismiss.(AEB-J)
5-10	6.	Aff. of Frank Ives in support of Deft.'s Mot. to Dismiss for Lack of Jurisdiction, fld. v
5-25	7.	Deft. Venus' request for production of documents and things and brief in support, filed.s
5-26	8.	Pltf's. application for extension of time till 6-15-76 to respond to motion to dismiss, filed. O to J. s
5-28	9	Order, filed, granting pltf. until 6-15-76 to respond to mot. to dismiss. (AEB-J)g cp mld.
6-8	10	Pltf's. request for production of documents and things and brief in support, filed.s
6-11	11	Pltf's response to defendant's motion to dismiss with affidavit and exhibit, filed.s
6-11	12	Pltf's brief in response to motion to dismiss, filed.s
7-26	MO	Case referred to Magistrate Morris L. Bradford for findings and recommendations on deft's motion to dismiss. (AEB-J)k
9-28	MO	Case set for hearing before Magistrate on Deft's mot. to dismiss on 10-14-76 at 3:30 P.M. (MLB-Mag)s ntc. by KT
10-14		Case called for hearing on Deft's motion to dismiss for lack of jurisdiction before Mag. Bradford. Parties represented. Deft's motion overruled. Pltf. to file F&R in 10 days & prepare order.(MLB-Mag) b
11-1	13	Findings & Recommendations of magistrate, filed.s (MLB-Mag) cps. mld.
11-4	14.	Deft's answer and counterclaim, filed.s
11-11	15	Order, filed, that the motion of deft. to dismiss is overruled.s (AEB-J) cps. mld.
12-21	16.	Pltf's answer to counterclaim, filed.s
1977 1-13	MO	Parties are directed to hold PT conf. on or before 2-25-77 & file PT Order on or before 3-4-77. (AEB-J)k cps mld
3-3	17	Joint appl. for ext of time to file PT order. fld. O to J. ho

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-115-B</u>
TRESCO, INC.		VENUS PRODUCTS, INC.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u>			
3-04	18	Order, filed Extending time to file Pretrial order to 4-15-77. (AEB-J)b cps mld	
4-15	19.	Second joint appl. for ext. of time to file pretrial order, fld. v (o)	
4-20	MO	The Court has for consideration the second joint appl. for time to file pre-trial order and being fully advised in the premises, finds that the same should be sustained. IT IS, THEREFORE, ORDERED that the second joint appl. for time to file pre-trial order be and the same is hereby sustained and the parties are granted til 5-15-77 to file pre-trial order. (AEB-J)k cps mld	
5-24	20	Joint appl. for request for ext. of time to file PTO. fld. O to J. ho	
5-26	21	Pltf. not. to take depo. of Ivan Koger on 6-7-77 in Tulsa. fld. ho	
5-26	22.	Order, filed Extending time to file pretrial Order to July 6, 1977. (AEB-J)b cps mld	
7-22	23	Parties request for ext. of time to file PTO. fld. ho O to J.	
7-25	MO	The Ct. has for consideration the request of the parties for an ext. of time to file PTO, and, being fully advised in the premises, finds that said request should be granted and the parties should be granted until 10-1-77, to file an agreed PTO. IT IS SO ORDERED. (AEB-J) cps mld. ho	
7-28		Depo. of Frank Ives on behalf of Pltf. taken before Glen R. Dorrough, CSR, on 6-7-77 in Tulsa, fee \$151.50 paid by Pltf. fld. ho	
10-19	24	Deft's notice to take deposition of Ivan Koger on 11-3-77 in Tulsa, fld. mm Sub. issued.	
12-20	25	Pre-Trial order, fld. (AEB-J) cps mld. ho	
<u>1978</u>			
1-19	MO:	Case set for non-jury trial on 2-21-78, at 10:00 A.M. (AEB-J)b nts cert w/affid.	
2-9	MO:	IT IS ORDERED that this case is stricken from the non-jury docket set for 2-21-78, to be reset on the next non-jury docket. (AEB-J)b ltr mld	
4-19-	MO:	Case is set for non-jury trial on 5-15-78, at 10:00 A.M. (AEB-J)b nts cert w/affid	
4-24	26.	Appl. of Richard Carpenter to w/draw as pltf. counsel, fld.k O	
4-26	27.	Order, filed, allowing Richard Carpenter to w/draw as Pltf. counsel & FURTHER ORDERED that Pltf. has 10 days from this date to have new counsel make an appearance in this case. (AEB-J)b cps to movant	
4-28	28.	Appl. of David Whitehill to withdraw as deft. counsel, filed.k O to J	
5-2	29.	Order, filed, authorizing David Whitehill to withdraw as counsel for deft. (AEB-J)k cps mld to movant	
5-3	30	Entry of appearance of Robt. Green as atty. for Pltf. fld. ho	
5-10	MO:	It is Ordered by the Court that case is stricken from non-jury docket of 5-15-78, to be reset. (AEB-J)b nts by phone & ml	
5-11	31	Pltf's motion for continuance of trial, filed. b	
5-11	MO:	The Court has for consideration the motion for continuance filed by the Pltf., finds that said motion should be overruled as being moot, the Court having previously stricken this case. IT IS SO ORDERED. IT IS FURTHER ORDERED that this case be set on the next non-jury docket after 7-1-78. (AEB-J)b ltr mld	
5/25	32.	Appl. of Pltf. to compel atty. to release file, filed. v	
5/25	33.	Brief in support, filed. v	
5-30	MO	Richard Carpenter is ordered to file a response w/in 10 days to the appl. of pltf. counsel to compel atty. to release file. (AEB-J)k cps mld <i>copy of appl to Carpenter</i>	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1978			
6-7	34	Richard Carpenter response to appl. to compel release of file, fld. ho	
6-14	MO	Appl. of pltf. counsel, Robert Green, to compel Richard Carpenter to release file is referred to Mag. Robert Rizley pursuant to Order M-128. (AEB-J)k	
6-27	MO	Case set for hrg. before the Mag. on appl. of Robert Green to compel Richard Carpenter to release file on 7-17-78 at 4:00 p.m. (RSR-Mag)k ntc by KT	
6-27	35	Pltf. reply to response to appl. to compel release of file, fld. ho	
7-5	36	Richard Carpenter response to reply of Robert G. Green, Receiver for Tresco, Inc. re: release of file, fld. ho	
7-7	37	Protective Order, filed, specifying certain blueprints & drawings produced and provided by deft. to pltf. as confidential & ordered that pltf. use same only in preparation for and trial of this lawsuit. Further, that pltf. shall not further copy or reproduce the one photostatic copy of said blueprints & drawings & will return same at conclusion of litigation. (AEB-J)k cps mld	
7-17		Case called for hearing on application of Robert Green to compel Richard Carpenter to release file. Parties present. Matter taken under advisement. (RSR-Mag) b	
9-7	MO	Mag. recommends that pltf's appl. to compel Richard Carpenter to release file be denied & counsel for Carpenter is to prepare F&R and proposed Order w/in 10 days. (RSR-Mag)k ntc by PW	
10-31	38.	Findings & Recommendations of the Mag., filed. Mag. recommends that mot. of Robert Green, as receiver for Tresco, to compel Carpenter to release files be overruled. (RSR-Mag)k cps mld	
11-9	39	Pltf's objections to F&R of the Mag., filed.k	
11-9	40	Brief in support of pltf's objs. to F&R, filed.k	
11-9	MO	Counsel for Richard Carpenter is granted until 11-22-78 to file a response to pltf's objs. to F&R of the Mag. (AEB-J)k cps mld	
11-21	41	Richard Carpenter response to obj. to F&R of Mag. fld. ho	
3-16-79	MO:	Case transferred to Judge Fred Daugherty (JCS-Clk)	
4-3	42	Order, fld. It is ordered that the appl. of Robert Green receiver for Tresco, Inc. to compel Richard Carpenter to release the Files of Tresco in his possession be denied. It is further ordered under the circumstances of this case & in the discretion of the Ct. that the alternative request of Receiver Green that the Order allowing Richard Carpenter to w/draw be stricken & that he be compelled to try this case should be & the same is hereby denied. (FD-J)ho c/m	
4-25	MO:	Case set for pt conf. for Thurs., 5/10/79 at 11:45 a.m. (FD-J)rm-notice	
5-10	MO	PT HRG. STRICKEN pending pltf. req. to dismiss case from St. Ct. Papers in 2 wks. (FD-J)rm	
7-25	43	STIPULATION for dismissal of pltf. complaint & deft. counterclaim.rm (O)	
7-26	44	ORDER, entered is ordered that the Compl. of Pltf. & counterclaim of Deft. is dismissed w/prejudice. (FD-J)ho c/m	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
DATE	NR.	PROCEEDINGS	
1980 8-6	--	DEPOSITION of Frank Ives returned to pltf. counsel. hm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	